

DACT
ZFW

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 460.2111USX
First Named Inventor:	Charles J. Renz	Art Unit: 1723
Application Number:	10/619,676	Examiner: Cooley, Charles E.
Filed:	July 15, 2003	
Title:	Bottle With Mixing System	
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9382.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION		
NOTE: A grantable petition requires the following items:		
<ul style="list-style-type: none">(1) Petition fee.(2) Reply and/or issue fee.(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and(4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee		
<input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)) Applicant claims small entity status.. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity - fee \$ <u>500.00</u> (37 CFR 1.17(l)).		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of		
_____ Amendment (identify the type of reply):		
<input type="checkbox"/> has been filed previously on _____.		
<input checked="" type="checkbox"/> is enclosed herewith.		
B. The issue fee of \$ _____		
<input type="checkbox"/> has been paid previously on _____.		
<input type="checkbox"/> is enclosed herewith.		

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a) The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/12/2005 TBESHAH1 00000013 10619676

500.00 OP

01 FC:1452

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) 460.2111USX
--	--

3. Terminal disclaimer with disclaimer fee

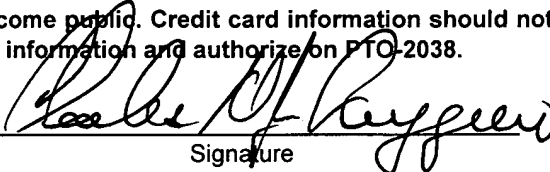
☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☒ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or
\$ 130.00 (other than a small entity) disclaiming the required period of time enclosed herewith
(see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorize on PTO-2038.

August 9, 2005
Date


Signature

(203) 327-4500
Telephone Number

Charles N.J. Ruggiero
Typed or printed name

28,468
Registration Number, if applicable

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
Address

One Landmark Square, Stamford, Connecticut 06901
Address

- Enclosures: ☒ Fee Payment
☒ Reply
☒ Terminal Disclaimer Form
☒ Additional sheets containing statements establishing unavoidable delay
☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

August 9, 2005
Date


Signature

Charles N.J. Ruggiero
Typed or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

August 9, 2005

Date


Signature28,468

Registration Number, if applicable

Charles N.J. Ruggiero

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

(Please attach additional sheets if additional space is needed.)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Charles J. Renz
Serial No.: 10/619,676
Filed: July 15, 2003
For: BOTTLE WITH MIXING SYSTEM
Examiner: Cooley, Charles E.
Art Unit: 1723
Customer Number: 27623
Confirmation No.: 7055

Attorney Docket No.: 460.2111USX

Mail Stop Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Office of Petitions

**STATEMENT UNDER 37 C.F.R. § 1.137(b)
IN SUPPORT OF APPLICANT'S PETITION FOR REVIVAL OF PATENT
APPLICATION UNAVOIDABLE ABANDONED**

Dear Sir:

1. On July 15, 2003, Applicant filed the above-captioned patent application serial number 10/619,676 (hereinafter "the application").
2. Applicant received a Notice of Non-Compliant Amendment on October 17, 2004 for an Amendment filed September 23, 2004 in response to an Office Action dated May 21, 2004 for the application. Applicant duly responded to the Notice of Non-Compliant Amendment on November 15, 2004.

3. On June 12, 2005, Applicant accessed the United States Patent and Trademark Office Patent Application Information Retrieval website and downloaded an Office Action dated December 03, 2004 for the application.

4. A docket sheet, that is included herewith, was generated and printed on June 13, 2005 reflecting that there was no entry of any correspondence received by Applicant subsequent to October 17, 2004 nor any due dates requiring a response for the application at least up to June 13, 2005.

5. Applicant believes that the December 3, 2004 Office Action was never delivered to applicant. A declaration by Aretha Alston, Docketing Administrator, is included herewith.

6. Applicant called the USPTO and spoke with Charles E. Cooley at telephone number (571) 272-1139 on June 14, 2005 to reconcile the lost item.

7. On June 22, 2005, Applicant received a Notice of Abandonment and Interview Summary of the June 14, 2005 telephonic conference.

13. Applicant hereby states that the entire delay in filing a response to the December 3, 2005 Office Action until the filing of this petition pursuant to 37 C.F.R. § 1.137(b) was unavoidable.

14. Applicant respectfully requests revival of the abandoned patent application under 37 C.F.R. § 1.137(a) and MPEP § 712.

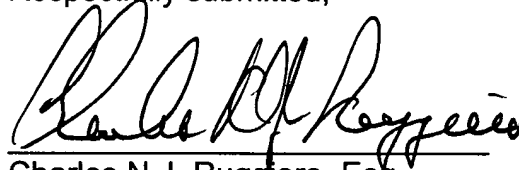
15. Applicant, with this petition to revive, hereby further submits an Amendment including a Terminal Disclaimer responding to the December 13, 2005 Office Action for the application.

16. For the reasons discussed above, Applicant respectfully requests allowance of the petition and examination of the application.

17. Applicant hereby declares that all statements made herewith of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: August 9, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", is written over a horizontal line.

Charles N.J. Ruggiero, Esq.

Registration No. 28,468

Attorney for Applicant

Ohlandt, Greeley, Ruggiero
& Perle, L.L.P.

One Landmark Square

Stamford, CT 06901-2682

Tel: (203) 327-4500

Fax: (203) 327-6401